

Applicant submits that the cited art, whether taken individually or in combination, does not teach or suggest salient features of Applicant's present invention, as recited in the independent claims. In particular, Applicant submits that the cited art does not teach or suggest features such as measuring a position of a stage plural times during an accumulation period of an image sensor and calculating the position of a mark based on image data obtained by an image sensing system and data of plural positions of a stage measured by a measurement system during the accumulation period of the image sensor with respect to the image data.

In this regard, the Examiner, on page 3 of the Office Action, states that, for the measurement systems measuring a position of the stage a plurality of times during the accumulation period of the image sensors, the Nishi patent implies this for the interferometers measure the stage simultaneously with the scanning of the fiducial marks, as discussed at column 17, lines 55-67, and column 18, lines 18-30.

Applicant submits, however, that the Nishi patent does not in fact imply measurement of a position of a stage plural times during an accumulation of an image sensor for obtaining one accumulated image. In particular, the Nishi patent fails to teach or suggest anything regarding an arithmetic section, for example, which calculates a position of a mark based on image data obtained by an image sensing system and data of plural positions of a stage measured by a measurement system during an accumulation period of an image sensor with respect to the image data, as in the present invention recited in the independent claims. Accordingly, Applicant submits that the Nishi patent does not teach or suggest many features of the present invention, as recited in the independent claims.

Applicant further submits that the remaining art cited does not cure the deficiencies noted above with respect to the Nishi patent. In this regard, Applicant submits that the Matsuura et al. patent merely discloses that the position of the stage 470 is continuously measured by measuring means for the X-direction and measuring means for the Y-direction, and does not teach calculating a position of a mark based on image data obtained by an image sensing system and data of plural positions of a stage measured by a measurement system during an accumulation period of an image sensor with respect to this data.

Applicant submits, therefore, that the Nishi patent and the Matsuura et al. patent, whether taken individually or in combination, do not teach or suggest salient features of Applicant's present invention as recited in the dependent claims, which have been discussed above.

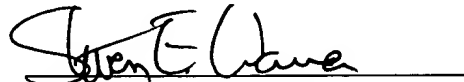
For the foregoing reasons, Applicant submits that the present invention, as recited in independent claims 27, 36 and 47-50, is patentably defined over the cited art, whether that art is taken individually or in combination.

Dependent 28-35 and 37-46 also should be deemed allowable, in their own right, for defining other patentable features of the present invention in addition to those recited in their respective independent claims. Further individual consideration of these dependent claims is requested.

Applicant further submits that the instant application is in condition for allowance. Favorable reconsideration, withdrawal of the rejection set forth in the above-noted Office Action and an early Notice of Allowance are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven E. Warner", is written over a horizontal line.

Attorney for Applicant  
Steven E. Warner  
Registration No. 33,326

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

SEW\cab

DC\_MAIN 214795v1